



I. Introduction

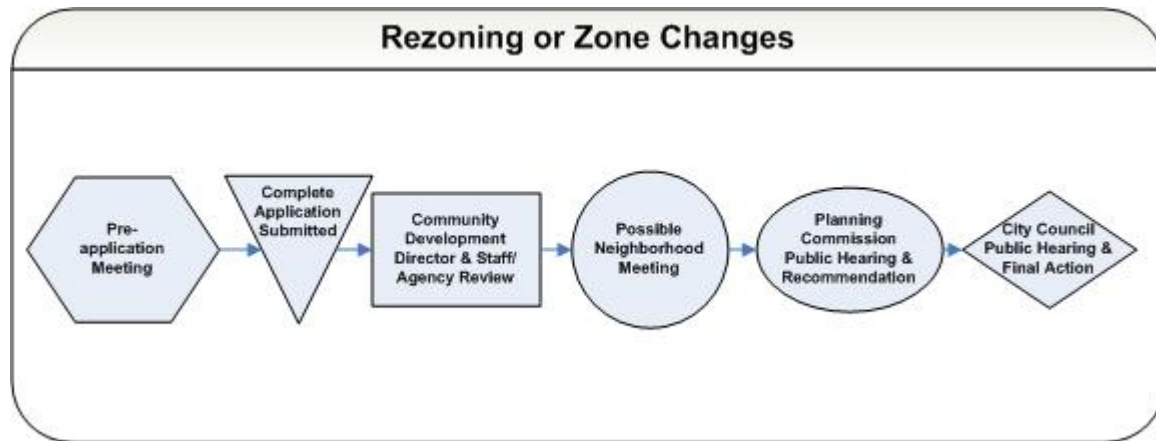
- A. Within the City of Commerce City Land development code, specific zoning districts provide detailed regulations regarding the use of property. A property owner must request a rezoning if he wishes to change the zoning district that applies to the property from one zone district to another. Sometimes a rezoning request also entails a Land Use Plan Amendment, when the Comprehensive Plan does not match the proposed zone change. Please check with city staff to ensure that all required applications are addressed. The information contained within this document describes the zone change process for non-Planned Unit Development (PUD) zone districts.
- B. In the City of Commerce City, annexation zonings, zoning amendments, zoning condition removal, or zoning condition compliance/review all fall within the process contained herein.
- C. The length of time to process and approve a zone change can vary depending on the complexity and size of the request. Generally, zone changes (non-PUD) take about four to six months to completely process an application before City Council, however, this timeframe is based on the City receiving all of the requested application materials in a timely manner. Zone changes to PUD may take longer than this time frame. Please refer to the Facts to Know for PUD for information on this process. In addition, City code requires that a specific development plan accompany a zone change request, unless the zone change request is to single-family residential or certain agricultural uses. Please review the *Facts to Know for Development Plan* for information regarding this process.
- D. **Zone changes, if granted, “run with the land” and are in effect for the life of the property, regardless of ownership; unlike Conditional Use Permits or Uses-by-Permit, which are granted to the applicant only.**

II. Process

- A. A pre-application meeting with the City should be scheduled by calling the Planning Division. This meeting provides the applicant the opportunity to discuss the zone change proposal and help identify the requirements and process for the application.
- B. The applicant prepares the zone change application requirements. In addition, the applicant prepares the necessary information contained within the *Facts to Know for Development Plan* to accompany this zone change request. A separate application is required for the Development Plan.
- C. A completed application, associated materials, and the non-refundable fees are submitted for City review. The application is reviewed by the Planning Division for completeness and then sent out to various departments and outside agencies for comment. After an initial two- to three-week period, the case is discussed at the Development Review Team (DRT) meeting. The DRT is an advisory committee, composed of City staff and other outside agencies, which reviews projects for compliance with existing codes and standards. After the DRT meeting, the applicant will receive a comment letter from City staff stating additional items that must be addressed or clarified.
- D. The applicant will address these comments and resubmit the information to the City. This process will continue until all the comments have been successfully addressed by the applicant and the application is ready for the public hearings.

- E. Occasionally, the city may require a neighborhood meeting when it appears that an application may have significant neighborhood impacts, including without limitation, impacts related to: traffic; provision of public services such as safety, schools, or parks; compatibility of building design or scale; or operational compatibility such as hours of operation, noise, dust, or glare. Please check with the Planning Division staff to see if a neighborhood meeting will be required as a part of the zone change application.
- F. The granting of a zone change requires a public hearing before the Planning Commission and two public hearings before the City Council (first and second reading of the rezoning ordinance). Normally, the applicant or owner is required to attend only the Planning Commission hearing and the first reading of the ordinance by City Council; however, there are instances where City Council may request that additional information or testimony be provided at future hearings.
- G. Planning Commission meetings are held the first Tuesday of each month at 6 p.m. in the Council Chambers, Commerce City Civic Center, 7887 East 60th Avenue. City Council meetings are held the first and third Mondays of each month in the Council Chambers, Commerce City Civic Center. Generally, City Council considers land use cases during public hearings on the first Monday of each month. *(For instance, if the Planning Commission considers a rezoning request in April, City Council will consider the ordinance on first reading at their meeting on the first Monday of May. Second reading of the ordinance will occur at the City Council meeting on the first Monday of June. A rezoning ordinance becomes effective ten days after second reading of the ordinance.)*
- H. About seven to ten days prior to each hearing date (Planning Commission and City Council), the property will be posted with a large placard (sign), and public hearing notices will appear in the newspaper. Additionally, neighbors will be notified, by letter, about the request.
- I. Prior to scheduling an application for Planning Commission or City Council, the case manager must deem the submittal to be final and complete no later than three Fridays prior to the Planning Commission or City Council hearing. The case manager may determine that the remaining changes are very few in number, minor in scale, and non-technical in nature and therefore may allow the applicant to proceed to Planning Commission or City Council.
- J. Approximately one week before the Planning Commission hearing, the applicant and/or owner will receive a copy of the Community Development project report and a copy of the Planning Commission meeting agenda. About one week prior to the first City Council meeting, the applicant will receive information that summarizes the Planning Commission's recommendation and provides information about the City Council meeting.

Flow Chart Schedule



III. General

- A. A request for a zone change usually is initiated by the property owner, his representative, or an authorized agent having a legal interest in the property, such as power of attorney, lease, or purchase contract. The property owner must approve of the zone change and sign the application form.
- B. The Planning Commission is an advisory body only, and zoning cases are forwarded to the City Council for final approval or denial.
- C. Each recommendation of the Planning Commission and decision by the City Council shall be based on the following findings of fact:
 - (1.) The zone change corrects a technical mistake on the part of the City in classifying a parcel within a specific zoning district; or
 - (2.) The zone change meets all of the following:
 - (a) The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the City;
 - (b) The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;
 - (c) The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;
 - (d) The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;
 - (e) There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the City and the immediate area of the proposed use; and
 - (f) The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

- D. A majority vote of the Planning Commission members is necessary for a favorable recommendation of the application to City Council. A majority vote of the City Council also is necessary for approval of the zone change.
- E. The city shall be authorized to impose any conditions on a development approval that it deems necessary to carry out the general purpose and intent of the land development code or the comprehensive plan including, without limitation, requiring the applicant to submit to and pay for ongoing compliance oversight.
- F. An approval shall only authorize the development described in the approved application. Any development that occurs beyond what is described in the application is prohibited and shall be deemed a violation of the land development code and subject to the enforcement provisions set forth in article X of the code.
- G. The City may revoke any approved zone change if the applicant for such zone change fails to comply with any of the conditions that were imposed by the City in conjunction with the approval. In such cases, the City will notify the applicant of the proposed revocation, and the Planning Commission/City Council will hear and decide whether the zone change should be revoked.

IV. Submittal Requirements

- A. Submit one copy of the land use application and applicable non-refundable fee.
- B. One copy of general warranty deed, with a complete legal description (often times in the form of Exhibit "A," attached to the warranty deed) for the property or properties for which the application is made.
- C. One copy of a certified boundary survey for the property or properties for which application is made (if required by City staff).
- D. Submit 15 copies of the description of the proposed zone change and development in a written narrative that explains the proposal and intentions of the applicant. The narrative shall be written clearly and accurately to avoid any misunderstanding, and it must address the following criteria:
 - (1.) Consistency of the proposed zone change with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
 - (2.) Compatibility of the proposed zone change with surrounding land uses and the natural environment;
 - (3.) The impact of the proposed zone change on providing efficient and adequate provision of public services, including, but not limited to, water, sewerage, streets, and drainage;
 - (4.) The impact of the proposed zone change on efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;
 - (5.) Describing a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
 - (6.) Describing the area in which the zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

- E. One copy of an unstapled, fully legible, reproducible 8-1/2 inch by 11-inch, or 11-inch by 17-inch copy of the oversized plans.
- F. One copy of *Severed Minerals Rights Facts-to-Know*, if applicable.
- G. One electronic copy of all application-related documents, submitted on a labeled CD-Rom in .PDF or .JPG format. **Rezoning requests to R-1 or R-2 are exempt from this requirement.**
- H. **In conjunction with a zone change request, a development plan application is also required.** The specifics of this application, including number of copies, can be found in the *Development Plan Facts to Know*.
- I. City staff may require additional information or technical studies such as drainage studies, construction plans, address plats, and development agreements. To assure that your application is complete, please check with City staff prior to submitting your application.
- J. Additionally, the Planning Commission or City Council may request from the applicant additional information or technical studies such as traffic studies, drainage studies, etc.

V. Additional Information

- A. *Complete Application.* Be sure to include with your application all of the requested information. An incomplete application will not be referred out for review until such time as all information has been submitted.
- B. *Building Permit.* If the zone change request is approved, the applicant may proceed with the building permit process through the Building Division. No building permit will be allowed, reviewed, or approved without an approved zone change in place.